

report of its findings and recommendations to the governor and the general assembly on or before December 1, 2000.

Sec. 51. Chapters 139, 139B, 139C, and 140, Code 1999 and Code Supplement 1999, are repealed.

Sec. 52. Section 137C.19, Code 1999, is repealed.

Approved April 7, 2000

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**CHAPTER 1067**  
CHILD AND FAMILY SERVICES  
S.F. 2344

**AN ACT** relating to child and family services administered by the department of human services.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
HOME CONDITION INVESTIGATIONS

Section 1. Section 598.12, subsections 2 and 3, Code 1999, are amended to read as follows:

2. The court may require that ~~the department of human services or an appropriate agency~~ make an investigation of both parties regarding the home conditions, parenting capabilities, and other matters pertinent to the best interests of the child or children in a dispute concerning custody of the child or children. The investigation report completed by the ~~department of human services or an appropriate agency~~ shall be submitted to the court and available to both parties. The investigation report completed by the ~~department of human services or an appropriate agency~~ shall be a part of the record unless otherwise ordered by the court.

3. The court shall enter an order in favor of the attorney, ~~the department of human services, or an appropriate agency~~ for fees and disbursements, ~~which and the~~ amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for costs is indigent in which event the fees shall be borne by the county.

DIVISION II  
ABUSE REGISTRY ACCESS

Sec. 2. Section 235A.19, subsection 2, paragraph b, Code 1999, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (8) For statutorily authorized record checks for employment of an individual by a provider of adult home care, adult health facility care, or other adult placement facility care.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code Supplement 1999, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (8) To the administrator of an agency providing care to a dependent adult in another state, for the purpose of performing an employment background check.

DIVISION III  
CASE PERMANENCY PLANS  
AND OTHER CHILD WELFARE  
REQUIREMENTS

Sec. 4. Section 232.2, subsection 4, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

“Case permanency plan” means the plan, mandated by Pub. L. No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. § ~~622(b)(10)~~, 671(a)(16), ~~627(a)(2)(B)~~, and 675(1),(5), which is designed to achieve placement in the most appropriate, least restrictive, and most family-like, and most appropriate<sup>1</sup> setting available and in close proximity to the parent’s home, consistent with the best interests and special needs of the child, and which considers the placement’s proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child’s parent, guardian, or custodian. The plan shall specifically include all of the following:

Sec. 5. Section 232.2, subsection 4, Code Supplement 1999, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. A provision that a designee of the department or other person responsible for placement of a child out of state shall visit the child at least once every twelve months.

NEW PARAGRAPH. j. If it has been determined that the child cannot return to the child’s home, documentation of the steps taken to make and finalize an adoption or other permanent placement.

Sec. 6. Section 232.78, subsection 3, Code Supplement 1999, is amended to read as follows:

3. ~~The order shall specify the facility to which the child is to be brought.~~ Except for good cause shown or unless the child is sooner returned to the place where the child was residing or permitted to return to the child care facility, a petition shall be filed under this chapter within three days of the issuance of the order.

Sec. 7. Section 232.78, subsection 6, Code Supplement 1999, is amended to read as follows:

6. Any person who may file a petition under this chapter may apply for, or the court on its own motion may issue, an order for temporary removal under this section. An appropriate person designated by the court shall confer with a person seeking the removal order, shall make every reasonable effort to inform the parent or other person legally responsible for the child’s care of the application, and shall make such inquiries as will aid the court in disposing of such application. The person designated by the court shall file with the court a complete written report providing all details of the designee’s conference with the person seeking the removal order, the designee’s efforts to inform the parents or other person legally responsible for the child’s care of the application, any inquiries made by the designee to aid the court in disposing of the application, and all information the designee communicated to the court. The report shall be filed within five days of the date of the removal order. If the court does not designate an appropriate person who performs the required duties, notwithstanding section 234.39 or any other provision of law, the child’s parent shall not be responsible for paying the cost of care and services for the duration of the removal order.

7. Any order entered under this section authorizing temporary removal of a child shall include a both of the following:

a. A statement that the temporary removal is the result of a determination that the child remaining in the child’s home would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child’s home.

<sup>1</sup> See chapter 1232, §56 herein

b. A statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

Sec. 8. Section 232.95, subsection 1, Code 1999, is amended to read as follows:

1. At any time after the petition is filed any person who may file a petition under section 232.87 may apply for, or the court on its own motion may order, a hearing to determine whether the child should be temporarily removed from home. ~~Where~~ If the child is in the custody of a person other than the child's parent, guardian, or custodian as the result of action taken pursuant to section 232.78 or 232.79, the court shall hold a hearing within ten days of the date of temporary removal to determine whether the temporary removal should be continued.

Sec. 9. Section 232.96, subsection 10, Code 1999, is amended to read as follows:

10. If the court enters an order adjudicating the child to be a child in need of assistance, the court, if it has not previously done so, may issue an order authorizing temporary removal of the child from the child's home as set forth in section 232.95, subsection 2, paragraph "a", pending a final order of disposition. The order shall include a both of the following:

a. A statement that the temporary removal is the result of a determination that the child remaining in the child's home would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

b. A statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

Sec. 10. Section 232.102, subsection 10, paragraph a, unnumbered paragraph 1, Code 1999, is amended to read as follows:

As used in this section, "reasonable efforts" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include intensive family preservation services or family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

Sec. 11. Section 232.104, subsection 1, paragraph a, subparagraph (2), Code 1999, is amended to read as follows:

(2) For an order entered under section 232.102, for which the court has waived reasonable efforts requirements under section 232.102, subsection ~~11~~ 12, the permanency hearing shall be held within thirty days of the date the requirements were waived.

Sec. 12. Section 232.104, subsection 1, paragraph c, Code 1999, is amended to read as follows:

c. Reasonable notice of a permanency hearing in a case of juvenile delinquency shall be provided pursuant to section 232.37. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court. Upon completion of the hearing the court shall enter written findings and make a determination ~~based upon the permanency plan which will best serve the child's individual interests at that time~~ identifying a primary permanency goal for the child. If a permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and other provisions of that permanency plan.

Sec. 13. Section 237.15, subsection 1, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Case permanency plan" means the same as defined in section 232.2, subsection 4, except the plan shall also include the following:

- a. The efforts to place the child with a relative.
- b. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.
- c. Time frames to meet the stated permanency goal and short-term objectives.

DIVISION IV  
STATE CHILD CARE ASSISTANCE

Sec. 14. Section 237A.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. "Poverty level" means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 15. NEW SECTION. 237A.13 STATE CHILD CARE ASSISTANCE.

1. A state child care assistance program is established in the department to assist children in families who meet eligibility guidelines and are described by any of the following circumstances:

- a. The child's parent, guardian, or custodian is participating in approved academic or vocational training.
- b. The child's parent, guardian, or custodian is seeking employment. Eligibility for assistance while seeking employment shall be limited to thirty days during a twelve-month period.
- c. The child's parent, guardian, or custodian is employed and the family income meets income requirements.
- d. The child's parent, guardian, or custodian is absent for a limited period of time due to hospitalization, physical illness, or mental illness.
- e. The child needs protective services to prevent or alleviate child abuse or neglect.

2. Services under the program may be provided in a licensed child care center, a registered group child care home, a registered family child care home, the home of a relative, the child's own home, an unregistered family child care home, or in a facility exempt from licensing or registration.

3. The department shall set reimbursement rates as authorized by appropriations enacted for payment of the reimbursements. The department shall conduct a statewide reimbursement rate survey to compile information on each county and the survey shall be conducted at least every two years. The department shall set rates in a manner so as to provide incentives for an unregistered provider to become registered.

4. The department shall not apply waiting list requirements to any of the following persons:

a. Persons deemed to be eligible for benefits under the state child care assistance program in accordance with section 239B.24.

b. A family that is receiving state child care assistance at the time a child is born into the family. The newborn child shall be approved for services when the family reports the birth of the child.

c. Children who need protective services to prevent or alleviate child abuse or neglect.

5. Based upon the availability of the funding appropriated for state child care assistance for a fiscal year, the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:

a. Families with an income at or below one hundred percent of the federal poverty level whose members are employed at least twenty-eight hours per week, and parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating in an educational program leading to a high school diploma or the equivalent.

b. Parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating, at a satisfactory level, in an approved training program or in an educational program.

c. Families with an income of more than one hundred percent but not more than one hundred forty percent of the federal poverty level whose members are employed at least twenty-eight hours per week.

d. Families with an income at or below one hundred seventy-five percent of the federal poverty level whose members are employed at least twenty-eight hours per week with a special needs child as a member of the family.

6. Nothing in this section shall be construed as or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level or other eligibility circumstance addressed in this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated for the purposes of state child care assistance.

Sec. 16. Section 239B.24, subsection 1, Code Supplement 1999, is amended to read as follows:

1. The following persons are deemed to be eligible for benefits under the state child care assistance program administered by the department in accordance with section 237A.13, notwithstanding the program's eligibility requirements or any waiting list:<sup>2</sup>

Sec. 17. CHILD CARE REIMBURSEMENT ALTERNATIVES. The department of human services shall review alternatives for applying child care reimbursement rates on a county, cluster, and regional basis. The department shall prepare a report concerning the review, including findings and recommendations. The report shall be submitted to the members of the joint appropriations subcommittee on human services, legislative fiscal bureau, and legislative service bureau on or before December 15, 2000.

Approved April 7, 2000

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## CHAPTER 1068

### WATER QUALITY INITIATIVES

S.F. 2371

**AN ACT** relating to the establishment of a water quality initiative program by the department of agriculture and land stewardship and the department of natural resources, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 466.1 SHORT TITLE.

This chapter shall be known and may be cited as "Initiative on Improving Our Watershed Attributes (I on IOWA)".

Sec. 2. NEW SECTION. 466.2 LEGISLATIVE GOAL.

The goal of this chapter is to develop a comprehensive water quality program that will result in water quality improvements while reducing proposed regulatory impacts. The program shall use information, education, monitoring, technical assistance, data gathering

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<sup>2</sup> See chapter 1232, §91 herein